

Residential Conservation Overlay Review Committee Report

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The Residential Conservation Overlay District (RC Overlay) was established in 1990 by Ordinance 0-50-90: "to preserve the patterns of design and development in residential neighborhoods characterized by a diversity of styles and to ensure the preservation of a diversity of land uses, together with the protection of buildings, structures or areas, the destruction or alteration of which would disrupt the existing scale and architectural character of the neighborhood.

The general purpose of the RC Overlay Ordinance includes:

- "A. Protection of the architectural massing, composition and styles as well as neighborhood scale and character;
- B. Compatibility of new construction and structural alterations with the existing scale and character of surrounding properties;
- C. Encouragement of existing types of land uses that reflect the mixture and diversity of uses that have historically existed in the community; and
- D. Preservation of streetscapes."

The Ordinance, thus, created preservation and design guidelines, including placing limits on the mass and scale of new construction. It also relaxed some of the setback requirements in an effort to maintain the traditional narrow front and side yard setbacks in Eastport. In 1996, after a review by a citizens' committee, the code was amended to nearly double the boundaries of the overlay district and make some minor improvements to the body of the code (see Attachment 1 for the existing Overlay boundaries).

In late 2002, after 12 years experience of implementing the ordinance, Alderman Josh Cohen appointed the Residential Conservation Overlay Review Committee, composed of a diverse group of Eastport residents and business owners, to assess whether changes were needed to better achieve the purposes of the Ordinance (see Attachment 2 for committee members). Dirk Geratz, Senior Planner in the Department of Planning and Zoning, served as the committee's liaison with the department and participated in the meetings and tours.

The committee met eight times, from November 20, 2002 through May 13, 2003. In addition, walking tours in the district were made by committee members to observe a variety of structures to assist them in evaluating implementation of the ordinance.

In appointing the committee, Alderman Cohen asked that the following specific topics be addressed, as well as any others that might be suggested by the committee:

1. Should the RC Overlay better regulate mass and bulk of new construction and, if so,

- how?
2. Should the RC Overlay regulate the design of facades facing the water and, if so, how?
 3. Should the RC Overlay do more to prevent demolition of existing structures and, if so, how?
 4. Should the RC Overlay boundaries be extended and, if so, where?
 5. Is the public input process sufficient and fair for the public and the applicant and, if not, how should it be changed?

The committee tackled each of the topics, with much time devoted to bulk and mass, including height, as well as demolition issues. Before making any specific recommendations, the committee took two walking tours to critique several projects approved under the Overlay Ordinance. The committee also applied suggested proposed changes to a number of "test cases" by using building plans for previously approved projects to see how implementation of the proposed changes would work.

The committee made an effort to limit changes to the existing Overlay framework and attempted to simplify the existing text, where possible. The committee also attempted, particularly with respect to bulk and mass, to make the requirements of the Ordinance more objective and easier and clearer to follow and implement. The committee's final recommendations fell into two categories: those requiring a code change, and those that represent policy changes, but do not require a code change.

RECOMMENDATIONS (Attachment 3):

1. **Bulk and Mass:** To address concerns expressed about the scale of new buildings and additions, the committee focused on building height and building size which, taken together, define a building's overall bulk and mass. The committee concluded that the currently allowed maximum height of 35 feet behind the ridgeline has resulted in design and construction of houses that are ungainly and inconsistent with the height and proportion of other buildings. This existing provision is often in conflict with the intent of the RC Overlay which states that new construction should be compatible with the existing scale and massing of the neighborhood. This, coupled with the largely subjective process under the current code, of determining the appropriate bulk and mass of proposed buildings has led, in some cases, to buildings that are out of scale with others in the immediate vicinity (see Attachment 4 for examples).

The committee, therefore, recommends that the code be amended (a) to eliminate the existing allowance to exceed the average height behind the ridgeline*, and (b) to adopt more objective standards for determining bulk and mass of buildings by limiting their size based on their respective lot sizes.

*However, it should be noted that the provision granting the director of planning & zoning the authority to allow a 10% tolerance to the height allowance would still be in effect.

Finally, adjustments are also recommended to permit a height of two-stories on the blocks composed of one-story buildings. To avoid penalizing small lots, a standard square footage would be permitted for all lots regardless of lot size.

Recommendations are as follows:

- < Height:
 - C Remove Subsection 2 of 21.69.050 which allows the height of a building behind the ridgeline to extend up to a maximum height of 35 feet. Building height would, henceforth, be based solely upon the calculation of the average building height of the block face. This calculation would be measured to the highest roof of the house, including those structures that have already been built up to 35 feet as allowed in the current code. Rearward additions to existing structures that exceed the average height may maintain the height of the existing structure provided it does not exceed 35 feet.
 - C In cases where the average building height is less than 26 feet, the code would be amended to allow a building height of 26 feet, as opposed to the average of the block face. This would allow a two-story house in a block of one-story houses.
 - < Structure Square Footage Ratio:

Establish a maximum structure square footage for house sizes based on the size of the lot. A base house size of 1,500 square feet would be allowed for a minimum lot size of up to 2,000 square feet. For each 1,000 square feet of additional lot size, the size of a house could increase 200 square feet (see Attachment 4 for a table illustrating this proposal).
 - < Setback:

A minor correction to Section 21.69.050(A)(2) to change from 20% to 24% the total side yards required for lots 50 feet and wider to require an increasing side yard requirement based on the width of the a lot.
2. **Applicability of Review:** With regard to concerns of regulating all building facades, including those facing the water, the committee recommends that all facades of a structure should be reviewed in the same manner since each facade is part of a greater whole. To enhance public involvement the committee has recommended increasing the public posting period. In an effort to make the RC Overlay easier to follow, the Committee has recommended placing many of the design standards into a checklist format. The recommendations are as follows:
- < Revise Section 21.69.030 to allow for the review of any exterior facade, rather than only those facades that can be viewed from the street.
 - < Extend the public posting period from 10 to 15 days (similar to most other public posting requirements).
 - < Place review standards in a "checklist" format for a clearer review process.
3. **Demolition:** In an effort to clarify this section of the Overlay Ordinance the committee created a working definition for "demolition" and recommends placing the standards into a more user-friendly "checklist" format. Additionally, the committee recommends replacing the onerous certified mail requirement with normal mail but recommended

increasing the mailing distance to 300 feet. The specific recommendations include:

- < Defining the term “demolition” and what constitutes a demolition.
“Demolition” is defined as involving the entire removal of more than one exterior wall or the entire removal of the roof structure. These standards do not apply to demolition limited to the interior of a structure.
- < Increase adjacent property owner notification distance from 200 to 300 feet, and remove the certified mailing requirement.
- < Increase the posting period for demolition from 10 to 30 days.
- < Place demolition standards in a checklist format for a clearer approach to the review process.

4. **Overlay Boundaries:** The committee recommends a modest expansion of the Overlay boundaries to include areas that are architecturally similar to those already in the RC Overlay district. The expansion includes a leg along Bay Ridge Avenue opposite the Eastport shopping center, the area encompassing Lockwood Court, Creek Drive and parts of Windsor and Wells Avenues. It also includes the West side of Admas street which is currently not included in the Overlay. These streets have houses that were built at a similar time and in a similar tradition to the nearby areas already located within the boundaries of the Overlay. With regard to residential uses in adjacent maritime districts, the Committee has recommend that two small areas at the end of Severn Avenue at First Street and a portion along Eastern Avenue near Second Street be included. These two areas are comprised entirely of residential structures and contribute to the character of the neighborhood. In both cases these areas are opposite properties that are already located within the Overlay. It should be noted that maritime uses would not be restricted from these areas and that the Overlay would only apply to structures being used as a residential dwelling. These The recommendations are as follows:

- < Expand the RC Overlay boundaries to include the residential areas indicated above.
- < Require that existing houses in two maritime zones be subject to the RC Overlay review procedures. The Overlay would apply only to existing houses, not maritime uses.
- < The proposed new boundaries are shown on Attachment 1.

5. **Policy Recommendations:** The committee also submits the following recommendations that do not need to be codified, but should also be considered as part of the overall implementation of an improved Overlay process. These policies include:

- < Improve and update, “A Guide to the Process and Design Guidelines” for public distribution.
- < Add public notification site design and demolition review on the City website.

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revised: May 15, /May 21, /May 29, 2003

For additional information and to receive copies of any referenced attachments contact:

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ATTACHMENT 4

“Still in the works”